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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighth (extraordinary) session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 May 1993, at 10.30 a.m.

Temporary Chairman: Mr. FALL (Under-Secretary-General for Human Rights)

Chairperson: Mr. ALSTON

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The meeting was called to order at 10.55 a.m.

OPENING OF THE SESSION

1. Mr. FALL (Under-Secretary-General for Human Rights) declared open the eighth session of the Committee on Economic, Social and Cultural Rights. He congratulated members of the Committee who had been elected or re-elected the previous year by the Economic and Social Council. He wished particularly to welcome Mrs. Ahodikpe, Ms. Taya, Mrs. Vysokajova and Mr. Grissa to the Committee. He also took the opportunity to assure all members of the Committee that the Secretariat would do its utmost to assist it in its work.

2. As was customary, he wished to give a brief account of significant developments in the field of human rights since the previous session, and of measures taken recently by the General Assembly and the Commission on Human Rights in that connection. With regard to measures taken by the General Assembly at its forty-seventh session, he particularly drew the Committee's attention to resolution 47/111, on effective implementation of international instruments on human rights. In that resolution, the General Assembly had, inter alia, endorsed certain amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. If two thirds of the States parties formally accepted those amendments before the end of 1993, the committees established under those conventions would be financed from the regular budget, beginning with the budget for the biennium 1994-1995. In the meantime, the General Assembly had requested the Secretary-General to take the necessary measures to ensure that those Committees met as scheduled.

3. The General Assembly had also requested the Chairman of the Committee on Economic, Social and Cultural Rights to review and update his study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under international human rights instruments, and to present an interim report to the World Conference on Human Rights.

4. The General Assembly had also adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and had invited the international treaty bodies to give due regard to that Declaration within their mandates. The General Assembly had also taken note of the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies, which it would take up again at its forty-eighth session. Lastly, the General Assembly had adopted the provisional agenda of the World Conference on Human Rights.

6. As for the Commission on Human Rights, whose forty-ninth session had ended on 12 March 1993, it had welcomed the Committee's decision to take appropriate measures in relation to those States parties whose reports were long overdue, as well as its decision to examine specific rights set forth in the Covenant, in the framework of a general discussion similar to the one that had taken place at its seventh session on the right to take part in cultural life.

7. In addition, the Commission had taken note of the interest shown by the Committee in the drafting of an optional protocol to the Covenant, granting the right to individuals or groups to submit communications concerning non-compliance with the Covenant.

8. The Commission had also welcomed the emphasis placed by the persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services. It had invited those bodies to give priority attention to identifying possibilities for technical assistance in the regular course of their work of reviewing the periodic reports of States parties.

9. With regard to the fourth session of the Preparatory Committee for the World Conference on Human Rights, he said that, at that session, held in Geneva from 19 April to 7 May 1993, the debate and negotiations had essentially concerned the final act to be adopted by the World Conference, and, more generally, the results of the Conference. The statement to the World Conference on Human Rights adopted by the Committee at its previous session in November and December 1992, and the Committee's analytical paper on the possible drafting of an optional protocol to the Covenant, had been made available to the Preparatory Committee and would be submitted to the World Conference in June 1993. The interim report of the Chairman of the Committee, Mr. Alston, on that study, had also been made available to the Preparatory Committee, as had the very positive contributions of the chairpersons and rapporteurs of the treaty bodies, and of the special rapporteurs and special representatives of those bodies.

10. The Committee was already playing a major role in the general task of bringing into being a universal international community founded on the rule of law. It was his earnest hope that the Committee would be called upon to shoulder even more important responsibilities in the future, following the eagerly awaited recommendations of the World Conference on Human Rights, inter alia, with regard to the idea of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, and to the projects concerning the implementation of the right to development. It was with that hope that he wished the Committee every success in the work of its eighth session.

11. He invited members of the Committee who had been elected or re-elected to make the solemn declaration provided for in rule 13 of the Committee's rules of procedure.

12. Mrs. Ahodikpe, Mr. Alvarez Vita, Mr. Grissa, Mrs. Jiménez Butraqueño, Ms. Taya, Mr. Texier and Mrs. Vysokajova solemnly undertook to discharge their duties as members of the Committee on Economic, Social and Cultural Rights impartially and conscientiously.

ELECTION OF OFFICERS

13. Mr. WIMER ZAMBRANO, on behalf of the group of Latin American countries, proposed the re-election of Mr. Alston as Chairman, of Mr. Alvarez Vita as Vice-Chairman, and of Mrs. Bonoan-Dandan as Rapporteur.

14. Mrs. JIMÉNEZ BUTRAGUEÑO seconded the proposal by Mr. Wimer Zambrano.

15. Mr. Alston was re-elected Chairman, Mr. Alvarez Vita Vice-Chairman and Mrs. Bonoan-Dandan Rapporteur by acclamation.

16. Mr. Alston took the Chair.

17. The CHAIRMAN thanked members of the Committee for re-electing him, and in particular Mr. Wimer Zambrano for proposing his candidature, particularly in view of the fact that he made no claim to be an accommodating chairman. He wished to make a few remarks concerning the role of the Committee. First, he considered that it had a leading role to play vis-à-vis the other treaty bodies. The procedures it had evolved had always been taken up by other committees once adopted.

18. With regard to economic, social and cultural rights per se, the Committee was in a unique situation. Where civil and political rights were concerned, there were several treaty bodies, and numerous rapporteurs and thematic groups engaged in recording the case-law on civil and political rights and having the task of promoting those rights. However, no specialized group had received a specific mandate to promote economic, social and cultural rights in the context of the United Nations. It was thus incumbent on the Committee to defend those rights throughout the United Nations system. That work was beginning to bear fruit, since economic, social and cultural rights occupied an increasingly prominent place on the international stage.

19. He noted with satisfaction that the United States of America had intimated that it now supported the idea of economic, social and cultural rights, an idea which it had rejected for 12 years, and that it now recognized those rights as human rights. In that context, he cited a comment in the most recent issue of The Economist, which had stated that the nations of the world must reaffirm their commitment to economic, social and cultural rights. However, many still did not believe that those rights were as important as civil and political rights. A long road still lay ahead. He also welcomed the fact that Amnesty International had published an unprecedented declaration on the indivisible nature of the two categories of rights.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/C.12/1993/1)

20. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the provisional agenda of its eighth (extraordinary) session (E/C.12/1993/1).

21. It was so decided.

ORGANIZATION OF WORK (agenda item 2) (E/C.12/1993/L.1)

22. The CHAIRMAN wished to inform members of the Committee that Belgium, Germany, Iceland, Nicaragua and Ukraine, whose reports were due to be considered by the Committee at the current session, had indicated at the last moment that they would be unable to submit their reports, although Belgium had undertaken to submit its report by the end of June 1993. He regretted the fact that States did not inform the Committee that they would be unable to

participate in its work until it was too late to change the programme of work. The Committee should revert to the matter, and should formally state that it deplored such decisions by member States. States should also be requested to give the Committee six to nine months' notice of their inability to submit their reports on schedule. Still on the subject of the draft programme of work (E/C.12/1993/L.1), he also wished to inform members that the Committee would not have to adopt a report at the current session, since a global report would be prepared at the next session, covering all its work in 1993.

23. He also drew members' attention to the correspondence from the Government of Panama concerning reports previously considered. The Committee should examine that correspondence and draft an appropriate response. With regard to the terminology used by the Committee in its work, he proposed that it should follow the example set by the Committee on the Elimination of Discrimination against Women, which had replaced the English term "Chairman", which could be regarded at sexist, by the term "Chairperson". There did not currently appear to be any system-wide agreement on the need for such a change. As far as the Committee was concerned, he proposed that the term "Chairman" should be replaced by the term "Chairperson" whenever it occurred in the English version of the Committee's rules of procedure (E/C.12/1990/4). Such an amendment would be of purely formal significance.

24. Mr. WIMER ZAMBRANO said he was not in principle opposed to the proposal, but feared that such a step might be regarded as out of place against the background of the United Nations system. It would perhaps be better to make a proposal that such a change should be adopted throughout the system.

25. The CHAIRMAN acknowledged that the system would not make a change simply because the Committee did so, but no precedent would be involved, since the Committee on the Elimination of Discrimination against Women had already taken a similar decision. Furthermore, such a decision would not prevent the Committee from making a proposal to the same effect for the United Nations system as a whole. If he heard no objection, he would take it that the Committee wished to replace the term "Chairman" by the term "Chairperson" whenever it occurred in the English version of its rules of procedure (E/C.12/1990/4).

26. It was so decided.

27. The CHAIRPERSON said that one of the Committee's chief innovations, subsequently imitated by all the other committees, had been the adoption of concluding observations at the end of its consideration of each State party's report. Originally, each member of the Committee who so wished had expressed her or his opinion, since a consensus had seemed unattainable. That was no longer the case, partly because, with the end of the cold war, there was no longer any reason for members of one bloc automatically to oppose those of the other bloc, and partly because the committees were now more mature, more independent and less politicized. Those concluding observations had assumed such importance that the Human Rights Committee, for example, now published its observations in a separate document, while the Committee on the Rights of the Child had replaced the summary of the discussion in its report by its concluding observations. The importance of those observations was attributable, inter alia, to the fact that for some time now they had been,

not mere empty words, but forcefully expressed and clear, as requested by bodies such as the Commission on Human Rights. The Secretariat had circulated copies of the concluding observations of the Human Rights Committee and of the Committee on the Rights of the Child, to give members of the Committee on Economic, Social and Cultural Rights an idea of the style of the other committees' observations. He proposed that the Secretariat should prepare draft concluding observation for each country, in collaboration with the member of the Committee acting as country rapporteur, as was the practice in other bodies. As he heard no objection to his proposal, he took it that the Committee agreed to adopt that procedure.

28. The Committee also had to resolve the matter of the presentation of its reports. He had some proposals of his own to make, but asked other members of the Committee for their own proposals. As currently presented, the report conveyed relatively little to the uninitiated, and it was essential that it should be made generally intelligible.

29. With regard to the day devoted to general discussion, on the rights of the ageing and elderly in the case of the current session, its purpose was to provide the Committee with a window onto the outside world, to enable it to engage in dialogue with experts brought in from outside. He asked members of the Committee to begin to think about possible topics for that discussion at future sessions, since it was a particularly important event in its programme, that needed to be prepared well in advance. His own suggestion was that it should deal with the right to health care, or with the more difficult subject of the relationship between the international financial institutions and economic and social rights. The Committee had not yet succeeded in prevailing upon representatives of the World Bank or International Monetary Fund to attend its sessions, but he thought that if a full day was devoted to that question, the situation would change.

30. Furthermore, in order to secure the participation of persons or bodies that it wished to hear, such as experts from certain non-governmental organizations, the Committee needed funds. He was aware that funds were difficult to come by, but he requested the Secretariat to give some thought to that problem and to tell the Committee what the possibilities were. The value of the day devoted to general discussion would be enhanced if external experts were to contribute to it.

31. Turning to the question of information submitted by non-governmental organizations, he said that the Committee had received a request from a group of Canadian non-governmental organizations requesting a hearing in order to submit information in their possession. He had contacted the Canadian Government, but he was aware of the difficulties and of the implications of such an initiative. The Committee could not simply consider the case of Canada in isolation; to take such a step would be to adopt a new approach and to break new ground, something that called for circumspection.

32. The Committee must also give thought to its general comments. At the current session, it would be considering a draft general comment on the ageing and elderly, as well as one on the disabled, in response to the request made

by the Commission on Human Rights that it should become more fully involved with that question. He also envisaged other draft general comments, for instance, on the question of non-discrimination.

33. Lastly, he requested members of the Committee who had taken part in the seminar on indicators for the realization of economic, social and cultural rights, and any members who had attended meetings that might be of interest to the Committee, to report on those activities.

34. Mr. TEXIER asked whether the report of the Committee's seventh session had been issued. He also wished the Committee to discuss further the question of the proposed missions to Panama and the Dominican Republic. He asked whether those countries had responded to the Committee's offer, and what would be the content of the missions, which he recognized could not take place unless the necessary funds were made available.

35. The CHAIRPERSON said that, six months after the closure of the seventh session, the session report had still not been issued, a state of affairs that he deplored. There was too general a tendency to take the view that the report was useful only for the next session of the Economic and Social Council. He regarded that as an additional reason for changing its presentation, so as to ensure that it would be of wider interest. He proposed that in the meantime an unofficial document should be circulated just after the session. With regard to the projected missions to Panama and the Dominican Republic, the Committee was in possession of documents that would be considered the following day.

The meeting rose at 12.40 p.m.